

CLARK COUNTY PLANNING COMMISSION COMPREHENSIVE PLAN REVIEW

POLICY PAPER #2 75 and 50% Percent Rule

DATE: October 3, 2000

BACKGROUND

The general premise for this rule stems from the Hearings Board position that the UGA's adopted in 1994 were too large given the 25% market factor and generous assumptions relating to critical lands, error factor, underutilized parcels, and percent of parcels that would not convert. The Hearings Board also indicated that development regulations were inadequate in dealing with evaluating the need to move the Urban Growth Boundaries. The County was remanded to enact development regulations relating to expansion of all UGA's. The following code is among the threshold criteria that must be met in Clark County to move an UGA boundary.

Clark County Code 18.610.110 specifies additional required criteria specific to urban growth area boundary map changes.

“(3) Clark County may change adopted UGA boundaries only when lands designated within such boundaries have been developed as follows:

(a) A UGA expansion of residential or commercial lands may occur only if seventy-five percent (75%) or more of the respective residential or commercial vacant and buildable land base originally designated within the incorporated and unincorporated areas of the particular UGA at the time of the last suballocation, including additions through any subsequent expansion, has been consumed through development; or

(b) A UGA expansion of industrial lands may occur if fifty percent (50%) or more of the vacant and buildable prime industrial land base originally designated within the incorporated and unincorporated areas of the particular UGA at the time of the last suballocation, including additions through any subsequent expansion, has been consumed through development;”

In addition to the above, additional criteria specific to UGA boundary changes include adopting Office of Financial Management Growth Forecast Ranges; Boundary expansions must be based on a demonstration that necessary urban

services can and will be provided within 10 years' time; the expansion shall provide a minimum of five and a maximum of 10 year supply of vacant and buildable land with the UGA. The calculation shall be based on five and ten year population growth projections with the UGA which are consistent with adopted countywide growth targets and regional suballocations.

Lands brought into the UGA shall carry an urban holding overlay zoning designation unless specific conditions are met including:

- provision of full urban services or planned within 6 years with funding sources established
- annexation must occur immediately or a covenant to annex is executed
- consider implications of the expansion on other UGA's
- address the key indicator assumptions in the plan
- the expansion does not include designated natural resource lands
- expansion area must be designated Urban Reserve.

ADDITIONAL PLAN CRITERIA RELATING TO BOUNDARY CHANGES

The Comprehensive Plan states (Chapter 12, Procedural Guidelines, page 12-1):

“Boundary amendments may be approved only when it is shown by the proponent (county or city) that the supply of available land is insufficient to accommodate anticipated growth”.

The Plan also lists criteria that should be used to determine where and how much land should be added to the urban area. One of the criteria is:

“The amendment shall address the assumptions, trends, key indicators and performance measures established in the *Land Use Element, Chapter 2*”.

The indicators in Chapter 2 of the Plan:

“provide an "early warning" system to ensure that the land supply is not being over constrained or that development is occurring in a manner inconsistent with the intent of the urban growth area;

verify and adjust if required the assumptions used to calculate the baseline supply and demand for vacant land; and,

provide decision makers with objective data that can be used to evaluate the performance of the comprehensive growth management plans in achieving the goals and policies that the plan was intended to promote (e.g., increasing density, promoting transit and pedestrian friendly designs)”.

A Hearings Board Remand resulted in additional specificity with consumption rates added to the county code. The result is what is commonly called the 75 Percent Rule. The Hearings Board reasoned that the county's methodologies for growth areas were rather liberal and that, in order to achieve the requirements of the Growth Management Act, standards for expansion of UGA's linked to land consumption should be set. In its decision making, the Hearings Board believes it looked at the totality of the policies and procedures within the plan.

Senate Bill 6094 (RCW 36.70A.215) requires local jurisdictions to provide a qualitative analysis of the densities that are occurring and whether they are meeting the assumptions in the comprehensive plan. It then requires that reasonable measures be taken to make sure that actual development is consistent with those assumptions before moving the urban growth boundary.

The supporting data table illustrates the annual absorption rate of residential, commercial and industrial land in communities and current status relative to the adopted policy.

What issues have come up in discussion of this subject?

The 75 Percent procedural policy is linked to a land use indicator, so questions can be raised on both process and substance aspects of the policy. The primary issue seems to be whether or not using the 75 percent and 50 percent standards are reasonable. Some believe that these standards are unduly restrictive and hamper the ability to expand UGA's to provide reasonable volumes of vacant and buildable land. Other people believe that these standards are reasonable and achieve the objectives of the act.

Other people have concerns over the technical definitions of vacant and buildable lands, but find the policy acceptable. The two sides of this issue are 1) the current definitions of buildable land include lands that, in fact, are not buildable and 2) the current definitions include lands that, in fact, are buildable. They conclude that a revised definition would either show that absorption rates have either been quite high, and that the standard has been achieved and that an expansion of UGA's is warranted and defensible or quite low and show that UGA expansions are not warranted.

Other people have an issue with tying the expansion of the UGA to any measurable absorption standard, believing that the UGA's should be expandable at the desire of local policy makers.

Implications for Change:

Remove 75/50% rule and 25% Market Factor.

Implications:

- The Growth Management Hearings Board would most likely require the county to adopt a standard to measure when a boundary should be moved. Removal would also lessen the probability that existing urban areas would achieve other planning density targets. A standard is also essential to good communication between communities.
- Relies on available land supply. A 25 year land supply was provided in the original plan. In subsequent updates, the supply of land would be adjusted to accommodate a specified amount of land to accommodate the populations projection. The problem in this first update is that the current plan, with the 25% market factor, had a 25 year land supply. In addition, if you expand the boundaries every time the plan is updated, it calls into question whether a "rolling 20 year plan" is consistent with state law or would accomplish other goals of the 20 year plan.

Retain the 75/50% rule and eliminate the 25% market factor for the first plan update.

Implications: Keeping the threshold is consistent with the Hearings Board actions given how the existing UGA boundaries were established. It is one of the major benchmarks that is clear and measurable to determine when to move urban growth boundaries. Eliminating the 25% market factor would reduce the likelihood of moving urban growth boundaries this first update. It is not clear how this approach would be received by the Hearings Board or Community Trade and Economic Development Department (CTED).

Change thresholds to create a more rigorous standard for expanding boundaries.

Implications: For example, the county might require that 80 percent of residential land and 60 percent of commercial land be absorbed before UGA's are expanded. Standing alone, this would require more diligence on the part of the community and the developers to develop land before the UGA's could be expanded.

Change thresholds to create a more liberal standard for expanding boundaries.

Implications: For example, the county might require that 70 percent of residential land and 45 percent of commercial land be absorbed before the UGA's are expanded. Standing alone, this would make UGA expansion easier. Less diligence on the part of the community and the developers to develop land before UGAs are expanded is required.

Retain current policies and definitions.

Implications: This policy has the support of the Hearings Board. It reflects the discussion and negotiations of stakeholders in the plan process.

Supporting Data

From Plan Monitoring Report Page 45

Table 1.5.3 Gross Residential Lands Summary Table

	Vacant & Underutilized 1995 (acres)	Vacant & Underutilized 2000 (acres)	Change (acres)	1995-2000 Percent Change	Avg. Annual Change
Battle Ground	1822	1087.5	-734.5	-40.3%	-8.1%
Camas*	2313	790.8	-1522.2	-65.8%	-13.2%
La Center	757	149.7	-607.3	-80.2%	-16.0%
Ridgefield	1130	672.7	-457.3	-40.5%	-8.1%
Vancouver	8850	6722.9	-2127.1	-24.0%	-4.8%
Washougal	1425	824.6	-600.4	-42.1%	-8.4%
Yacolt	104	0.2	-103.8	-99.8%	-20.0%
Totals	16401	10248.4	-6152.6	-37.5%	-7.5%

Source: Clark County Department of Assessment and GIS

* Note: This includes about 600 acres (an area known as the Camas Meadows) which was zoned single family residential in 1995. In 1996, the area was annexed within the city limits of Camas and designated as industrial.

Note: These numbers reflect updated definitions of vacant and buildable lands reported in Appendix

From Plan Monitoring Report Page 48

Table 1.5.6 Gross Vacant and Underutilized Commercial Land 1995-2000

Total Commercial Vacant and Underutilized	1995	2000	change	percent change	Avg. Annual Change
Battle Ground	78	148.5	70.5	90%	18%
Camas	35	51.2	16.2	46%	9%
La Center	8	31	23	288%	58%
Ridgefield	77	303.4	226.4	294%	59%
Vancouver	2329	1630.5	-698.5	-30%	-6%
Washougal	89	51.3	-37.7	-42%	-8%
Yacolt	23	0	-23.00001	-100%	-20%
Total	2639	2215.9	-423.1	-16%	-3%

Table 1.5.7 Gross Vacant and Underutilized Industrial Land 1995-2000

	1995 Vacant & Underutilized	2000 Vacant & Underutilized	Change (acres)	Percent Change	Avg. Annual Change
Battle Ground	329	233.6	-95.4	-29.0%	-5.8%
Camas*	1,058	1,123.1	65.1	6.2%	1.2%
La Center**	352	0.0	-352	-100.0%	-20.0%
Ridgefield	781	428.0	-353	-45.2%	-9.0%
Vancouver	5,562	5,315.4	-246.6	-4.4%	-0.9%
Washougal	349	362.7	13.7	3.9%	0.8%
Yacolt	10	9.5	-0.5	-5.0%	-1.0%
Totals	8,441	7,472.3	-968.7	-11.5%	-2.3%

Source: Clark County Department of Assessment and GIS

*This includes addition of 600 acres for Camas Meadows.

** The data for La Center are from the 1994 planning area, which includes urban reserve area.

Steering Committee Discussion –

The Steering Committee discussion on this issue relates to concerns about the vacant lands model and need for further refinement. There was no discussion of revising the threshold or timing of movement of the urban growth boundary. It appears that subsequent action relating to movement of the boundaries as a result of the Plan review process may be adjudicated by the Hearing Board.

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